

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: Vincent Joseph Guida, Sr.

Case No.: 17-13260

Judge: Kathryn C. Ferugson

Debtor(s)

Chapter: 13

**CHAPTER 13 PLAN AND MOTIONS - AMENDED**

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 03/29/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay \$1,325.00 Monthly for 1 month, then \$1,099.48 Monthly for 59 months to the Chapter 13 Trustee, starting on 03/01/2017 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property  
 Description:  
 Proposed date for completion: \_\_\_\_\_
- ☐ Refinance of real property  
 Description:  
 Proposed date for completion: \_\_\_\_\_
- ☒ Loan modification with respect to mortgage encumbering property  
 Description: 24 Crystal Court, Freehold, NJ 07728  
 Proposed date for completion: 08/06/2017

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

- a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Javier L. Merino 078112014	Attorney Fees	3,500.00
IRS	Taxes and certain other debts	51,073.87
State of New Jersey Dept of Taxation	Taxes and certain other debts	5,000.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

**b. Modification**

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an

unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Mr. and Mrs. Richard Verdi	24 Crystal Court Freehold, NJ 07728 Monmouth County Appraisal dated 03/27/16	107,000.00	570,000.00	Agreement, First Mortgage Wells Fargo Home Mortgage - 847,332.36 Second Mortgage Newell Funding, LLC - 0.00	No value	N/A	0.00
NY State Dept of Taxation	24 Crystal Court Freehold, NJ 07728 Monmouth County Appraisal dated 03/27/16	3,800.00	570,000.00	Agreement, First Mortgage Wells Fargo Home Mortgage - 847,332.36 Second Mortgage Newell Funding, LLC - 0.00 Third Mortgage Mr. and Mrs. Richard Verdi - 107,000.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor  
Wells Fargo Home Mortgage

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
Newell Funding, LLC	24 Crystal Court Freehold, NJ 07728 Monmouth County Appraisal dated 03/27/16	0.00

## Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

  X   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

## Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
A&B Heating & Air Conditioning		Judgment Lien	5,000.00	0.00	0.00	0.00	5,000.00
ABC Floors, Inc.	old judgment from 2006		0.00	0.00	0.00	0.00	0.00
Amboy National Bank	Old Judgment		0.00	0.00	0.00	0.00	0.00
Beraton Brothers Flooring Co., Inc	old judgment		0.00	0.00	0.00	0.00	0.00
Boscia & Boscia	old judgment lien from 2002/2003	Judgment Lien	0.00	0.00	0.00	0.00	0.00
Check Exchange LLC	old judgment		0.00	0.00	0.00	0.00	0.00
Dinaso & Sons Building Supply Co	old business debt 2006-2007/personal judgment		0.00	0.00	0.00	0.00	0.00
Kamco Supply Corporation of NJ	old judgment		0.00	0.00	0.00	0.00	0.00
L&W Supply Corporation	old judgment		0.00	0.00	0.00	0.00	0.00

Marjam Supply Co.	old judgment		0.00	0.00	0.00	0.00	0.00
Michael Rivera	old judgment from 2006		0.00	0.00	0.00	0.00	0.00
NJ Lawn & Irrigation	old judgment from 2006		0.00	0.00	0.00	0.00	0.00
Precision Tech Electric	old business debt from 2006-2007/personal judgment		0.00	0.00	0.00	0.00	0.00
Quality Glass & Mirror Inc.	old judgment lien from 2005	Judgment Lien	0.00	0.00	0.00	0.00	0.00
Scott Tannura	old 2006 judgment		0.00	0.00	0.00	0.00	0.00
Up-Tite Fasteners	old judgment		0.00	0.00	0.00	0.00	0.00
Window Wizards	old business debt 2006-2007/personal judgment		0.00	0.00	0.00	0.00	0.00
Women's Physicians & Surgery	old judgment lien	Judgment Lien	0.00	0.00	0.00	0.00	0.00

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Mr. and Mrs. Richard Verdi	24 Crystal Court Freehold, NJ 07728 Monmouth County Appraisal dated 03/27/16	107,000.00
Newell Funding, LLC	24 Crystal Court Freehold, NJ 07728 Monmouth County Appraisal dated 03/27/16	0.00
NY State Dept of Taxation	24 Crystal Court Freehold, NJ 07728 Monmouth County Appraisal dated 03/27/16	3,800.00

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**e. Other Provisions:**

Creditor (Wells Fargo) to receive disbursements through plan toward arrears while loan modification application is pending. The remaining arrears to be cured through loan modification.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 03/06/2017.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
Plan is being modified to include anticipated 2016 IRS and NJ tax debts. Furthermore, the Debtor's Schedules I and J have changed so the Debtor will be contributing less to the Plan.	Plan payments are being reduced.
Are Schedules I and J being filed simultaneously with this modified Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date 3/29/2017 /s/ Javier L. Merino  
Javier L. Merino 078112014  
 Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: 3/29/2017 /s/ Vincent Joseph Guida, Sr.  
Vincent Joseph Guida, Sr.  
 Debtor

Date: \_\_\_\_\_  
 Joint Debtor

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Vincent J. Guida, Sr.  
 Debtor

Case No. 17-13260-KCF  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 48

Date Rcvd: Mar 30, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 01, 2017.

db +Vincent J. Guida, Sr., 24 Crystal Court, Freehold, NJ 07728-8747  
 lm +WELLS FARGO BANK, N.A., PO Box 10335, Des Moines, IA 50306-0335  
 516655795 +A&B Heating & Air Conditioning, ATTN: Bankruptcy, 2129 Richmond Terrace,  
 Staten Island, NY 10302-1232  
 516655796 +Atty. David Meth, 200 Daniels Way, Freehold, NJ 07728-2622  
 516655799 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)  
 516655798 +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,  
 Salt Lake City, UT 84130-0285  
 516655801 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298  
 516655800 +Chase Card, Attn: Correspondence, Po Box 15298, Wilmington, DE 19850-5298  
 516731498 +Check Exchange LLC, c/o NY Secretary of State, 123 William Street,  
 New York, NY 10038-3804  
 516731497 +Check Exchange LLC, c/o CT Corporation Systems, 1300 E. 9th Street,  
 Cleveland, OH 44114-1501  
 516731499 +Check X Change, ATTN: Bankruptcy, 321 Maple Street, Perth Amboy, NJ 08861-4151  
 516655802 Comenity Bank/Victoria Secret, Po Box 18215, Columbus, OH 43218  
 516655803 Comenity Bank/Victoria Secret, Po Box 182789, Columbus, OH 43218-2789  
 516655805 +Deutsche Bank GSAMP Trust 2004-WF, c/o Phelan Hallinan Diamond & Jones,  
 400 Fellowship Road, Suite #100, Mount Laurel, NJ 08054-3437  
 516685829 +Dinaso & Sons Building Supply Co, ATTN: Bankruptcy, 133 Ocean Avenue,  
 Lakewood, NJ 08701-3545  
 516655806 Fst Premier, 601 S Minneapolis Ave, Sioux Falls, SD 57104  
 516655807 +Fst Premier, 601 S Minnesota Ave, Sioux Falls, SD 57104-4824  
 516655808 +HSBC, ATTN: Bankruptcy, PO Box 1274, Brandon, FL 33509-1274  
 516655809 HSBC Bank Nevada, ATTN: Bankruptcy, 1111 Northn Town Center Drive, Las Vegas, NV 89144  
 516655816 +Mr. and Mrs. Richard Verdi, c/o David M. Meth, Esq., 504 Aldrich Road, Suite 1B,  
 Howell, NJ 07731-1939  
 516655815 +Mr. and Mrs. Richard Verdi, 267 Seidman Ave., Staten Island, NY 10312-5529  
 516655819 +NY State Dept of Taxation, ATTN: Bankruptcy / Finance, PO Box 5290, Albany, NY 12205-0290  
 516655817 +New Jersey Natural Gas, ATTN: Bankruptcy, 775 Vassar Avenue, Lakewood, NJ 08701-6908  
 516689153 New York State Department of, Taxation and Finance, Bankruptcy Section, PO Box 5300,  
 Albany, NY 12205-0300  
 516655818 +Newell Funding, LLC, ATTN: Bankruptcy, 245 Main Street #330, White Plains, NY 10601-2425  
 516685830 +Precision Tech Electric, ATTN: Bankruptcy, 4 Ikes Lane, Englishtown, NJ 07726-5112  
 516655822 +Proactive, PO Box 2020, Harlan, IA 51593-0001  
 516655823 +Proactive/Gunthy Renker, PO Box 361448, Des Moines, IA 50336-1448  
 516655824 +Shapiro & Denardo LLC, 3600 Horizon Drive #150, King of Prussia, PA 19406-4702  
 516655825 +State of New Jersey Dept of Taxation, ATTN: Bankruptcy, 50 Barrack Street,  
 Trenton, NJ 08695-0001  
 516655826 +State of New Jersey Dept of Taxation, ATTN: Bankruptcy, PO Box 269,  
 Trenton, NJ 08695-0269  
 516655827 +US Attorney General, US Dept of Justice, Bankruptcy Dept, PO Box 55, Ben Franklin Station,  
 Washington, DC 20044-0055  
 516731500 +USI Solution, Inc., ATTN: Bankruptcy, 408 Mill Street, Bristol, PA 19007-4813  
 516655829 Wells Fargo, ATTN: Bankruptcy Dept, PO Box 5445, Portland, OR 97228  
 516685834 +Wells Fargo Bank, NA, Wells Fargo Home Mortgage, MAC N928601Y, 1000 Blue Gentian Road,  
 Saint Paul, MN 55121-1663  
 516655830 Wells Fargo Financial, ATTN: Bankruptcy, 34204 Van Dyke Avenue, #1-I,  
 Sterling Heights, MI 48312-4647  
 516655831 +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335  
 516655832 +Wells Fargo Home Mortgage, ATTN: Bankruptcy Dept., PO Box 14411,  
 Des Moines, IA 50306-3411  
 516685831 +Window Wizards, ATTN: Bankruptcy, 2801 Route 42, Suite C, Sicklerville, NJ 08081-5103

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbank@usdoj.gov Mar 30 2017 22:47:24 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Mar 30 2017 22:47:23 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516655804 +E-mail/Text: creditonebknotifications@resurgent.com Mar 30 2017 22:46:54 Credit One,  
 ATTN: Bankruptcy, PO Box 98873, Las Vegas, NV 89193-8873  
 516655811 E-mail/Text: cio.bncmail@irs.gov Mar 30 2017 22:47:09 IRS, ATTN: Bankruptcy,  
 1240 East 9th Street, Room #493, Cleveland, OH 44199  
 516655812 +E-mail/Text: bk@lendingclub.com Mar 30 2017 22:47:46 Lending Club Corp, 71 Stevenson St,  
 Suite 300, San Francisco, CA 94105-2985  
 516655814 +E-mail/Text: bankruptcydpt@mcsmcg.com Mar 30 2017 22:47:22 Midland Credit Management,  
 8875 Aeor Drive, #200, San Diego, CA 92123-2255  
 516655821 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Mar 30 2017 22:45:35  
 Portfolio Recovery, 120 Corporate Blvd Ste 1, Norfolk, VA 23502  
 516655820 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Mar 30 2017 22:45:30  
 Portfolio Recovery, Po Box 41067, Norfolk, VA 23541

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 48

Date Rcvd: Mar 30, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516685832 +E-mail/PDF: resurgentbknnotifications@resurgent.com Mar 30 2017 22:38:22  
Resurgent Capital Services, ATTN: Bankruptcy, PO Box 10587, Greenville, SC 29603-0587  
TOTAL: 9

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516655810\* +IRS, c/o Bankruptcy Dept., PO Box 7346, Philadelphia, PA 19101-7346  
516655797 ###+Atty. David Meth, 504 Aldrich Road, Howell, NJ 07731-1939  
516685833 ###+David Meth, Esq., 504 Aldrich Road, Howell, NJ 07731-1939  
516655828 ###+Webbank, ATTN: Bankruptcy, 215 South State Street, Suite #800,  
Salt Lake City, UT 84111-2339

TOTALS: 0, \* 1, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 01, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 29, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Charles G. Wohlrab on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for  
GSAMP Trust 2004-WF, Mortgage Pass-Through Certificates, Series 2004-WF cwohrlab@logs.com,  
njbankruptcynotifications@logs.com  
Charles G. Wohlrab on behalf of Loss Mitigation WELLS FARGO BANK, N.A. cwohrlab@logs.com,  
njbankruptcynotifications@logs.com  
Javier L. Merino on behalf of Debtor Vincent J. Guida, Sr. jmerino@dannlaw.com,  
notices@dannlaw.com;sarah@dannlaw.com  
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5